



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,367	04/02/2001	Minoru Myojo	10873.634USW	3639

23552 7590 09/26/2002
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

MACCHIAROLO, PETER J

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,367

Applicant(s)

MYOJO ET AL.

Examiner

Peter J Macchiarolo

Art Unit

2875

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 7, 24 and 28 is/are rejected.
- 7) Claim(s) 5, 6, 8-23, 25-27 and 29-33 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment to the claims, received on May 2, 2001, is accepted and has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer (USPN 5,705,887).

In regards to claim 1, Shaffer discloses in figure 4 all of the recited limitations of claim 1. A fluorescent lamp (2) comprising a bulb (8) with a pair of electrode coils (6) at both ends, and each of the electrode coils mounted between two lead wires (12, 14) held by a bulb-end glass (16), wherein a means for preventing overheating (30) of the bulb-end glass is mounted between the lead wires located between the electrode coil and the bulb-end glass, the means for preventing overheating connects the lead wires electrically just before or after the electrode coil is disconnected.

In regards to claim 2, Shaffer discloses all of the recited limitations of claim 1 (above). Shaffer further discloses in figures 3 and 4, the means for preventing overheating includes a glass

member (40) and a first and a second metallic pin (20) for supporting the glass member; one end of each of the first and the second metallic pin is connected to the lead wires, respectively; and the first and the second metallic pin are provided not in contact with each other.

In regards to claim 3, Shaffer discloses all of the recited limitations of claim 2 (above). Shaffer further discloses in figure 4 that the other ends of each of the first and the second metallic pin are spaced apart via the glass member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 4, 7, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (USPN 5,705,887) in view of Schlitt et al. (USPN 4,495,440).

In regards to claim 4, Shaffer discloses all of the recited limitations of claim 2 (above).

Shaffer is silent to at least one of the first and the second metallic pin is wound around the glass member.

However, Schlitt teaches in figure 3 and column 4 lines 23-29, that it is possible to have a support wire is wound around the glass member.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct a fluorescent lamp according to claim 2 (above), further wherein at least one of the first and the second metallic pins are wound around the glass member since it is well known in the art that winding a support wire around the glass member will secure it more firmly in place.

In regards to claim 7, Shaffer in view of Schlitt discloses all of the recited limitations of claim 4 (above).

Shaffer is silent to the glass member having a depression formed on a circumferential surface thereof, and the metallic pin wound around the depression.

However, Schlitt teaches in figure 3 and column 4 lines 23-29, that it is possible to have a support wire is wound around a depression formed on a circumferential surface of the glass member.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct a fluorescent lamp according to claim 2 (above), further

wherein the glass member has a depression formed on a circumferential surface thereof, and the metallic pin is wound around the depression since it is well known in the art that this configuration will further secure the glass member more firmly in place.

In regards to claim 24, Shaffer discloses all of the recited limitations of claim 1 (above). Shaffer further discloses a means for preventing overheating includes a glass member.

Shaffer is silent to a means for preventing overheating mounted between the lead wires and a means for preventing falling of the glass member from the lead wires during melting.

However, Schlitt teaches in figure 5 a glass member mounted between the lead wires. Schlitt further teaches the glass member is positioned between a heat shield (54) and a press (40). The above elements constitute a means for preventing falling of the glass member during melting.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct a fluorescent lamp according to claim 1 (above), wherein the means for preventing overheating includes a glass member, mounted between the lead wires and a means for preventing falling of the glass member form the lead wires during melting, since it is well known in the art containing molten glass within a fluorescent lamp is desirable.

In regards to claim 28, Shaffer discloses all of the recited limitations of claim 1 (above). Shaffer is silent to the electrical conduction between the lead wires thought the glass member is continued just before or after the electrode coil is disconnected.

However, Schlitt teaches in figures 5-7 that the means for preventing overheating including a glass member electrically connected between the lead wires through the glass member is continued after the electrode coil is disconnected.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct a fluorescent lamp according to claim 1 (above), further wherein the means for preventing overheating including a glass member is electrically connected between the lead wires through the glass member is continued after the electrode coil is disconnected, since it is well known in the art that this type of means for preventing overheating configuration will prevent the glass member from falling off the lead wire during operation in any orientation of the lamp.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (USPN 5,705,887) in view of Boyce et al. (USPN 5,923,121).

In regards to claim 30, Shaffer discloses all of the recited limitations of claim 1 (above).

Shaffer is silent to the means for preventing overheating is located closer to the electrode coil than to the bulb-end glass.

However, Boyce discloses in figure 2, a means for preventing overheating is located closer to the electrode coil than the glass bulb.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct a fluorescent lamp according to claim 1 (above), wherein the means for preventing overheating is located closer to the electrode coil than to the bulb-end glass, since it is well known in the art that this type of configuration is easier and less costly to manufacture.

Conclusion

6. Claims 5,6,8-23, 25-27, 29-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The best prior art of record fails to disclose a fluorescent lamp according to claim 2 wherein: a metallic pin wound around the glass member while the other end of one of the first and the second metallic pin is projected from the glass member; a metallic band wound around the glass member; at least one of the first and the second metallic pin has a substantially annular portion at the other end, and the other metallic pin is inserted through the substantially annular portion; the means for preventing overheating further includes a metallic container in which the glass member is housed; a surface of the glass member is coated with a non-conductive inorganic heat resistant material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (703) 305-7198. The examiner can normally be reached on 7.30 - 4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

pjm
September 19, 2002



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800